

**Title VI Programmatic Agreement (PA)  
Draft Working Group Meeting Minutes  
Ramkota Inn, Pierre, South Dakota  
May 7, 2002**

**1. Purpose of Meeting:**

To assist in the development of a Programmatic Agreement (PA) for Section 106 of NHPA for the Recreation Areas that have been transferred to the State of South Dakota.

a) Tribal Working Group Participants:

- Yankton Sioux Tribe
  - Robert Cournoyer, Vice Chairman
  - Faith Spotted Eagle
- Cheyenne River Sioux Tribe
  - Bronco LeBeau, Tribal Preservation Officer
- Standing Rock Sioux Tribe
  - Michael Swallow, Tribal Attorney
- Lower Brule Sioux Tribe
  - Scott Jones, Public Relations Director
- Three Affiliated Tribes
  - Pemina Yellow Bird

b) USACE Working Group Participants:

- Omaha District Office
  - Mike George, Title VI Project Manager
  - Sandra Barnum, Cultural Resources
  - Larry Janis, Cultural Resources
  - Kelly Crane, Operation Division
  - Mary Lee Johns, Tribal Consultation
- Oahe Project
  - Rick Harnois, Cultural Resources

**2. Explanation of Work Group Process:**

- a) Corps Develops Strawman (PA Document)
  - i) At first Tribal Work Group Meeting
  - ii) Work Group Dissects Strawman (adds and/or removes language that does not fit.
  - iii) Work Group Comes to Consensus on Document.
- b) Corps Sends out Draft PA Document and coordinates comments received from:
  - i) 27 Missouri River Basin Tribes
  - ii) State of South Dakota (Game, Fish & Parks; State Historical Preservation Officer)
  - iii) Advisory Council on Historic Properties (ACHP)
- c) Corps Organizes and Coordinates Meeting between all interested parties to review and agree on final PA Document. Participants who will be encouraged to attend:
  - i) 27 Missouri River Basin Tribes
  - ii) State of South Dakota (Game, Fish & Parks; State Historical Preservation Officer)
  - iii) Advisory Council on Historic Properties (ACHP)

iv) Other Identified Groups

**3. Anticipated Meetings Needed to Complete the PA Work Group Process.**

- Work Group Meeting #1 (Pierre, SD - May 7, 2002)
- Work Group Meeting #2 (to be determined by group)
- Work Group Meeting #3 (if needed will be determined by group)
- Meetings with Tribal Councils
- Meetings with Interested Parties by request
- Large Meeting with 27 Tribes and Other Interested Parties

**4. Tribes who were initially identified for the Title VI PA Tribal Work Group.**

- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Standing Rock Sioux Tribe
- Cheyenne River Sioux Tribe
- Lower Brule Sioux Tribe
- Crow Creek Sioux Tribe
- Yankton Sioux Tribe
- Santee Sioux Tribe of Nebraska
- Three Affiliated Tribes

**5. Tribal Work Group Concept is Based Upon:**

- "Most tribes have technical staff, legal council, advisors and managers employed to administer tribal program. These staff people can be invaluable professional contacts for communication, coordination, and public-involvement efforts commonly carried out between tribal government staff and equivalent Corps employees." (*USACE Native American Desk Guide - page 9.*)
- "The Corps will seek and promote cooperation and participation with other agencies that have jurisdiction over, specific expertise with respect to, or related responsibilities regarding the Corps proposed legislation, action, or policy." (*USACE Native American Desk Guide - page 13.*)
- "Tribal governments and their organizations should be considered as appropriate partners in the decision making process, particularly where negotiated rule-making or a Tribal Leader Task Force is created. Tribal Governments may also be involved in specific research or writing tasks, especially where the tribes have special expertise or jurisdiction by law." (*Department of Interior Government-to-Government Consultation Policy Discussion Draft IV. 10/02/00, page 7. Developed by National Congress of American Indians November 2000.*)
- Bringing Tribes into the process at the earliest possible point -- actual formulation of the Corps document before it is vetted with any other groups or agencies.

**6. Tribal Response to the Proposed Process:**

- E-mail sent to tribes to comment on process
- No responses received as of end of May

## **7. Tribal PA Requirements:**

### **a) Three Affiliated Tribes:**

- CRMP Integrated within Document
- NDIRC becomes part of the Action Plan
- Surveys (TCP's, Medicinal Plants, Archeological)
- Erosion Study
- Prioritization of Endangered Sites
- Pre-Decisional Consultation
  - Data base
  - Contracts with tribes
- Co-Management of Cultural Sites
- Budget for Co-Management
  - Line Items Annually Funded
  - Time Frames (Accountability)
- Create Synergy for Co-Management

### **b) Lower Brule Sioux Tribe:**

- Accessible Data Base for every Main-stem Reservoir - available for Tribal staff & leaders - using lay terms.
- Class 3 Pedestrian Survey for TCP's, Plants, Archeological Sites, Wildlife - with prioritization of threat/risk - with recommendations to reduce/eliminate threat.
- Erosion Study - H<sub>2</sub>O Quality Flows & Trends.
- Time Frames to realistically address issues/concerns of people who have reviewed generated data.
- Annual Budget amount to accomplish each activity.
- Review Process to make sure that work is really done.
- Participation Process for affected; interested or stakeholder parties.
- Budget amount for Review.
- X - cultural training & technical assistance for COE & Tribes
- Annual Report sent to all parties involved.
- Address access issues for Worship, Devotion, Cultural Activities, Individual Harvesting & Gathering, etc.
- Adequate Corps staffing to accomplish above.
- Tribal Personal & Monitoring Issues/staffing-funding issues.

### **c) Cheyenne River Sioux Tribe:**

- (CRST's representative proposed the following questions concerning the issue of Co-Management:
  - Who will write the PA?
  - Who are the signatories?
  - Who will the Co-Managers be from the other Tribes?
  - Who will organize the meetings?
  - Who is the "Boss" = consensus?
  - Will State (SHPO) be on board?

- Will COE be on Board?
- (Concerning the Strawman)
  - Need a definitions section.
  - Incorporate Bulletin #38.
  - Incorporate Tribal Cultural Resource Regs = all tribal laws.
- d) Yankton Sioux Tribe:
  - Need training for Corps.
  - Define State's role.
  - Develop a Planning matrix with relevant laws with organization chart for accountability.

## **8. Action Items:**

- a) Rewrite Draft PA/MOA — COE responsible.
- b) Develop Relationship Matrix — COE responsible.
- c) Next Meeting? 1<sup>st</sup> 1/2 of July. (July 8 possible location Yankton Sioux Tribe)
- d) Invite 27 Tribal Representatives — COE responsible.
- e) Minutes from Meeting — COE responsible.